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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

SHANNON CRUZ, an individual,

Plaintiff,

v.

EXECUTIVE OFFICE OF UNITED
STATES ATTORNEYS, a department of
the United States Executive Branch,

Defendant.

Case No.: 6:20-CV-995

COMPLAINT

INTRODUCTION

1. Plaintiff Shannon Cruz (“Cruz”) by and through her counsel, Joshua Lay-Perez of HLP Law PC, brings this action against Defendant Executive Office of United States Attorneys (“EOUSA”) to obtain injunctive and other appropriate relief

compelling compliance with the Freedom of Information Act, 5 U.S.C § 552 (“FOIA”), as amended which requires EOUSA to respond to a FOIA request (“Request”) made by Plaintiff on January 27, 2020 and disclose requested records.

Plaintiff Cruz alleges as follows:

PARITES

2. Plaintiff Shannon Cruz is an individual residing in Marion County, Oregon.

3. Defendant EOUSA is an Agency of the Department of Justice under the Executive Branch of the United States Government.

JURISDICTION AND VENUE

4. This Court has proper jurisdiction over this action under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C § 1331 because the District of Oregon is where the plaintiff resides.

5. Venue is proper in the District of Oregon under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

STATEMENT OF FACTS

6. Plaintiff, through her attorney, submitted a request to Defendant EOUSA on January 27, 2020. *See* Exhibit 1.

7. Defendant EOUSA failed to tender a timely response determination to the request as required under 5 U.S.C. § 552(a)(6)(A).

8. As of the date of this filing, Plaintiff has received no response from Defendant.

9. The Request sought documents related to the matter of United States v. Willamette Valley Toxicology LLC, which was handled by the United States Attorney's Office for the District of Oregon.

10. FOIA requires that United States Government agencies promptly produce public records to anyone who requests them within twenty (20) working days from the date of its receipt. 5 U.S.C. § 552(a)(6)(A)(i). Defendant EOUSA has failed to make timely determination and or make the records available to Plaintiff as required.

11. Plaintiff has exhausted all administrative remedies in accordance with 5 U.S.C. § 552(6)(C)(i).

12. Plaintiff is involved in a civil litigation matter in Marion County Circuit Court, and Plaintiff seeks the records described above to aid the court in its inquiry as to whether the circuit court defendant willfully failed to comply with that court's order. The circuit court defendant relies on the actions of the US Attorney's office to justify its failure to comply with the Circuit Court's order.

13. EOUSA received the Request on 01/27/2020, and assigned it tracking number EOUSA-2020-001303 with an estimated completion date of 02/25/2020.

14. Not having received a determination response from EOUSA plaintiff's counsel emailed usaeo.foia.requests@usdoj.gov on 03/18/2020 to inquire about the status of the Request. EOUSA did not respond to the email.

15. After not receiving any communication from EOUSA, plaintiff's counsel again contacted the agency regarding the Request, this time via telephone, again with no response. Plaintiff's counsel left a voicemail with the agency, again with no response.

16. As of June 15, 2020, more than the required 20 working days have elapsed since EOUSA received the original Request submitted by Plaintiff.

17. As of June 15, 2020, Plaintiff has not received an initial determination response, nor any records related to the Request.

CLAIM FOR RELIEF

18. Plaintiff repeats and alleges all allegations contained in paragraphs 1 through 15 above and inclusive.

19. Plaintiff has a legal right under FOIA to obtain the specific records as requested on January 27, 2020, and there is no legal basis for Defendant's failure to respond or produce requested records to the Plaintiff. This failure to respond is a violation of the FOIA in and of itself, 5 U.S.C § 552(a)(3)(A), and other application regulation contained in 5 U.S.C § 552.

20. Upon information and belief, Defendants are currently in possession, or control of requested records.

21. Plaintiff requests reasonable attorney fees under 5 U.S.C § 552(a)(4)(E).

WHEREFORE, Plaintiff requests that the Court award them the following:

- A. Declare that Defendants have violated FOIA by unlawfully withholding the requested records;
- B. Order Defendants to immediately disclose the records requested;
- C. Award Plaintiff her reasonable costs and attorneys' fees; and
- D. Grant any other such relief that the Court may deem just and proper.

DATED this 22nd day of June, 2020.

HLP Law PC
By: s/Joshua Lay-Perez

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